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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,354	10/29/2003	Brian Harold Kelley	030621	7523

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EXAMINER	
MCKAY, KERRY A	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,354	KELLEY ET AL.	
	Examiner	Art Unit	
	Kerry McKay	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is a non-final action in response to communications filed October 29, 2003. Claims 1-19 are pending in this action.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "108" and "228" have both been used to designate selection logic. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al., US Patent 6,925,570. Examiner notes that corresponding prior art terms may accompany the claim language in bracketed form.

4. Regarding claim 1, Freeman et al. teach a method for selectively enabling operating modes of a device during a device initialization, wherein the operating modes comprise a privileged mode and a non-privileged mode, and the method comprising:
determining during the device initialization whether the device is to operate in the privileged mode or in both the privileged and non-privileged modes (figure 2, step 208, column 4, lines 62-63);
enabling the privileged mode if it is determined that the device is to operate only in the privileged mode (figure 2, step 207, column 5, lines 1-2); and
enabling both the privileged and the non-privileged modes if it is determined that the device is to operate in both the privileged and the non-privileged modes (figure 2, step 209, column 4, lines 64-66).

5. Regarding claim 6, Freeman et al. teach an apparatus for selectively enabling operating modes of a device during a device initialization, wherein the operating modes comprise a privileged mode and a non-privileged mode, and the apparatus comprising:

a flag (s-latch) (figure 1, item 107, column 3, lines 36-42); and

selection logic that operates to read the flag (s-latch) to set the operating mode of the device, wherein if the flag is set the selection logic enables the privileged mode, and if the flag is not set, the selection logic enables both the privileged and non-privileged modes (figure 2, steps 207-209, column 4, line 62 – column 5, line 2).

6. Regarding claim 10, Freeman et al. teach an apparatus for selectively enabling operating modes of a device during a device initialization, wherein the operating modes comprise a privileged mode and a non-privileged mode, and the apparatus comprising: means for determining during the device initialization whether the device is to operate in the privileged mode or in both the privileged and non-privileged modes (figure 2, step 208, column 4, lines 62-63);

means for enabling only the privileged mode if it is determined that the device is to operate only in the privileged mode (figure 2, step 207, column 5, lines 1-2); and means for enabling both the privileged and the non-privileged modes if it is determined that the device is to operate in both the privileged and the non-privileged modes (figure 2, step 209, column 4, lines 64-66).

7. Regarding claim 15, Freeman et al. teach a computer-readable media comprising instructions, which when executed by a processor in a device, operate to selectively enable operating modes of a device during a device initialization, wherein the operating

modes comprise a privileged mode and a non-privileged mode, and the computer-readable media comprising:

instructions for determining during the device initialization whether the device is to operate in the privileged mode or in both the privileged and non-privileged modes (figure 2, steps 207-209, column 4, line 62 – column 5, line 2);

instructions for enabling only the privileged mode if it is determined that the device is to operate only in the privileged mode (figure 2, step 207, column 5, lines 1-2); and

instructions for enabling both the privileged and the non-privileged modes if it is determined that the device is to operate in both the privileged and the non-privileged modes (figure 2, step 209, column 4, lines 64-66).

8. As per claim 2, the method of Freeman et al. teaches the method of claim 1, wherein the step of determining comprises testing a flag (s-latch) (figure 2, step 208, column 4, lines 62-63).

9. As per claim 3, the method of Freeman et al. teaches the method of claim 1, wherein the step of enabling only the privileged mode comprises controlling one or more device memory management units to enable only the privileged mode (column 1, lines 19-29, column 3, lines 43-46, column 5, lines 1-2, where it is inherent that the processor contains a MMU to manage communications with memory).

10. As per claim 4, the method of Freeman et al. teaches the method of claim 1, wherein the step of enabling both the privileged mode and the non-privileged modes comprises controlling one or more device memory management units to enable both modes (column 1, lines 19-29, column 3, lines 43-46, column 4, lines 63-66, where it is inherent that the processor contains a MMU to manage communications with memory).

11. As per claim 5, the method of Freeman et al. teaches the method of claim 1, wherein the device is a wireless device (figure 3, column 5, lines 3-50, where the system may be realized as a laptop).

12. As per claim 7, the apparatus of Freeman et al. teaches the apparatus of claim 6, further comprising a memory that stores the flag (s-latch) (figure 2, step 208, column 4, lines 54-63, where NVRAM stores the data that sets the s-latch).

13. As per claim 8, the apparatus of Freeman et al. teaches the apparatus of claim 6, further comprising one or more memory management units that are controlled by the selection logic to set the operating mode of the device (column 1, lines 19-29, column 3, lines 43-46, column 4, line 62 – column 5, line 2, where it is inherent that the processor contains a MMU to manage communications with memory).

14. As per claim 9, the apparatus of Freeman et al. teaches the apparatus of claim 6, wherein the device is a wireless device (figure 3, column 5, lines 3-50, where the system may be realized as a laptop).

15. As per claim 11, the apparatus of Freeman et al. teaches the apparatus of claim 10, wherein the means for determining comprises means for testing a flag (s-latch) (figure 2, step 208, column 4, lines 62-63).

16. Regarding claim 12, the apparatus of Freeman et al. teaches the apparatus of claim 10, wherein the means for enabling the only privileged mode comprises means for controlling one or more device memory management units to enable only the privileged mode (column 1, lines 19-29, column 3, lines 43-46, column 5, lines 1-2, where it is inherent that the processor contains a MMU to manage communications with memory).

17. As per claim 13, the apparatus of Freeman et al. teaches the apparatus of claim 10, wherein the means for enabling both the privileged mode and the non-privileged modes comprises means for controlling one or more device memory management units to enable both modes (column 1, lines 19-29, column 3, lines 43-46, column 4, lines 63-66, where it is inherent that the processor contains a MMU to manage communications with memory).

18. As per claim 14, the apparatus of Freeman et al. teaches the apparatus of claim 10, wherein the device is a wireless device (figure 3, column 5, lines 3-50, where the system may be realized as a laptop).

19. As per claim 16, the computer-readable media of Freeman et al. teaches the computer-readable media of claim 15, wherein the instructions for determining comprise instructions for testing a flag (s-latch) (figure 2, step 208, column 4, lines 62-63).

20. As per claim 17, the computer-readable media of Freeman et al. teaches the computer-readable media of claim 15, wherein the instructions for enabling the only privileged mode comprise instructions for controlling one or more device memory management units to enable only the privileged mode (column 1, lines 19-29, column 3, lines 43-46, column 5, lines 1-2, where it is inherent that the processor contains a MMU to manage communications with memory).

21. As per claim 18, the computer–readable media of Freeman et al. teaches the computer-readable media of claim 15, wherein the instructions for enabling both the privileged mode and the non-privileged modes comprise instructions for controlling one or more device memory management units to enable both modes (column 1, lines 19-29, column 3, lines 43-46, column 4, lines 63-66, where it is inherent that the processor contains a MMU to manage communications with memory).

22. As per claim 19, the computer-readable media of Freeman et al. teaches the computer-readable media of claim 15, wherein the device is a wireless device (figure 3, column 5, lines 3-50, where the system may be realized as a laptop).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerry McKay whose telephone number is (571) 272-2651. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KM
3/1/06

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